



JUDICIARY OF
ENGLAND AND WALES

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-V-

MEHMET OZEN

LINCOLN CROWN COURT

18 DECEMBER 2013

SENTENCING REMARKS OF MR JUSTICE FLAUX

1. Mehmet Ozen you have been convicted of the murder of Darren Harwood and Charlotte Piccaver. By its verdict the jury has rejected your defences of self-defence and loss of control. What is clear from the evidence and, in particular the nature of the wounds inflicted, is that this was a brutal attack on two young people who, at the time you attacked them, were unarmed.
2. At about 4.40 in the morning of 21 April 2013, the argument between you and Keyleigh Wright about the rent money which had precipitated the incidents on 18 and 19 April flared up again. On the basis of the evidence of Ashley Gadbury, you came out of your bedroom when Keyleigh Wright came downstairs to the kitchen and you were shouting and arguing with her in the kitchen. I accept that when you went back to your bedroom she followed you into the room to continue the argument and that she had the kitchen knife, not to kill you but to threaten you so you would return her £420. When you were both inside the room but close to the door, not as you suggested in evidence on or near your bed, you wrested the knife from her, cutting the webbing between the thumb and forefinger of your left hand in the process. In the struggle you stabbed her with the knife cutting her arm.
3. At the very moment you were struggling with Keyleigh Wright, Charlotte Piccaver and Darren Harwood came into the room. Seeing what was going on, Darren Harwood stepped between you and Keyleigh to protect her and stop the argument between the two of you, acting as the peacemaker then, as he had earlier that night in Boston. His terrible fate for trying to be the peacemaker is that, infuriated and almost certainly in revenge for what had happened two nights before, when he had stepped in to break up a fight between you and Charlotte as you were trying to push her down the stairs, you stabbed him in the neck. You deliberately targeted one of the most vulnerable parts of the human body, intending to kill him. Almost certainly as he turned instinctively away from your attack you brutally stabbed him in the back. He never had a chance to defend himself.

4. You then turned your fury on Charlotte Piccaver. Given the pandemonium in that room, she was understandably shouting at you, but I reject any suggestion that she, any more than Darren Harwood, posed any sort of physical threat to you. You attacked her in a temper and in revenge for her having hit you on the nose two nights before. Your attack on her was similar to that on Darren Harwood. You deliberately targeted her neck, stabbing her there, then when she was fatally injured, you stabbed her in the back. She too never had a chance to defend herself.
5. For a matter of seconds Darren Harwood must have been down in your room before he got up and staggered out towards the kitchen, where he was seen by Ashley Gadbury, as was Keyleigh Wright pushing past him. During the short time he was on the floor in your room, Charlotte Piccaver had been stabbed and bled onto him. However, whatever the sequence of these attacks, what is clear is that, contrary to your story in interview and in evidence, there was no struggle with your victims in your bedroom, whether on or near the head of the bed or anywhere else in the room. If there had been a struggle on or near the head of the bed, there would have been signs of that struggle, bed clothes disrupted, blood stains on the bed or floor and the orange juice carton overturned, yet there were no such signs at all. Equally if, as you suggested in evidence, you were struggling and grappling with Darren Harwood or Charlotte Piccaver whilst you had the knife, it is inconceivable that they would not have sustained defensive injuries to their hands and arms and yet they had no such injuries. Had there been the life and death struggle you described, you would also have sustained far more serious injuries than you did and your blood would have been in the bedroom.
6. The reality is that there was no struggle and there was no threat to your life from either of them or, once she was disarmed, from Keyleigh Wright. The injuries Darren Harwood and Charlotte Piccaver sustained, straight in and out stab wounds, are wholly inconsistent with a struggle or with lashing out at your victims in a frenzied loss of control, but are consistent with a deliberate targeted revenge attack, albeit in anger, on two unarmed people. That is what this was.
7. The psychological and emotional impact of the murder of these two young people on their parents and their siblings has been truly devastating. I have read the moving family impact statements of Charlotte's mother, father and sisters and of Darren's father. In a very real sense you have destroyed their lives as well.
8. The mandatory sentence for murder is life imprisonment and that is the sentence of the Court upon you. However, under Section 269 and Schedule 21 of the Criminal Justice Act 2003 I have to determine the minimum term you should serve before you will be eligible to be considered by the Parole Board for release.
9. Clearly this case falls within paragraph 5 of Schedule 21, since the seriousness of your offending is particularly high and involves the murder of two people, for which the starting point in determining the minimum term is 30 years. I emphasise though that is only the starting point and I have to consider what aggravating and mitigating factors there are in order to determine the appropriate minimum term. Paragraphs 10 and 11 of Schedule 21 set out some of the aggravating and mitigating factors which may be relevant to the offence of murder, but neither list is intended to be exclusive

and what may aggravate or mitigate the offence will depend upon all the circumstances of the particular case.

10. None of the statutory aggravating factors set out in Paragraph 10 is present in this case, but the very nature of this savage and targeted attack on two unarmed people is of such seriousness as put this case at or just above the 30 year starting point.
11. So far as the mitigating factors in paragraph 11 are concerned, sub-paragraph (a) does not apply because you clearly intended to kill all your victims, not just to cause them serious bodily injury. So far as sub-paragraph (b), lack of premeditation, is concerned, on my assessment of the evidence, you did not have the knife at the outset of the argument with Keyleigh Wright. It was she who brought it into the bedroom and you then wrested it from her. The fact that you did not take the knife into the room, which means there was no premeditation, is a mitigating factor which justifies bringing the minimum term down below the 30 year starting point.
12. In my judgment, there is no provocation to be considered under paragraph 11(d). By its verdict the jury rejected your defence of loss of control and, in your own evidence in cross-examination, you accepted more than once that you had not lost your self-control, saying that, had you done so, you would have followed Keyleigh Wright and Darren Harwood out of the room and would not have called the emergency services.
13. On my assessment of the evidence, paragraph (e): “the fact that the offender acted to any extent in self-defence or in fear of violence” is not a mitigating factor available to you or if it is available, only to a limited extent. I say that because whilst when you wrested the knife away from Keyleigh Wright, you may have been acting in self-defence or acting in fear of violence from her, there never was any attack on you by Darren Harwood and Charlotte Piccaver except in her case possibly verbal abuse and, once you had the knife, they were all unarmed. In killing them, you did not act in self-defence or in fear of violence but in anger and revenge.
14. Whilst it is true that you were essentially of previous good character, that can have little if any impact upon the severity of the sentence in view of the barbaric nature of these killings. As for the question of remorse, having seen and heard you give evidence, your lack of respect for your victims led me to have some doubt whether you had any genuine remorse as opposed to feeling sorry for the situation in which you find yourself. Nonetheless, given that immediately after the attack you summoned the emergency services, I accept you had some remorse. However, the gravity of your offending is so serious that remorse can only play a very limited role in mitigation.
15. I have also borne in mind your age and the fact that the minimum term you will serve will inevitably mean that you will be quite an old man before the Parole Board will consider whether you are eligible for parole. However, in a very real sense, that is an inevitable consequence of the seriousness of your offending.
16. Balancing the savage nature of this killing of two unarmed people with a knife against the mitigating factors I have identified, in my judgment the appropriate minimum term is one of 27 years.

17. From that will be deducted the days you have spent in custody in relation to this offence. What this means is that the minimum amount of time you will spend in prison from today before the Parole Board can order early release is 27 years less those days on remand. If it remains necessary for the protection of the public, you will continue to be detained after that date. If the Parole Board does decide to direct release you will remain on licence for the remainder of your life and may be recalled to prison at any time.

18. The statutory surcharge provisions will apply.